

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------------------|---|----------------------------|
| LAMONT J. MARSHAL, |) | |
| |) | Civil Action No. 06 - 215J |
| |) | |
| Plaintiff, |) | Judge Kim R. Gibson / |
| |) | Magistrate Judge Lisa Pupo |
| v. |) | Lenihan |
| |) | |
| |) | |
| SAM LOMBARD, Warden; JAMES |) | |
| MCCLOSKEY, Deputy Warden; |) | |
| MICHELLE WORMUTH, LPN; HONORABLE |) | |
| FREDRIC J. AMMERMAN, Chairman, |) | |
| Clearfield County Prison Board; |) | |
| MARK MCCracken, County |) | |
| Commissioner; MIKE LYTLE, County |) | |
| Commissioner; REX READ, County |) | |
| Commissioner; WILLIAM A. SHAW, |) | |
| JR., District Attorney; DON M. |) | |
| MCCLUSICK, Director of |) | |
| Probation; CHESTER HAWKINS, |) | |
| Sheriff; and CLAUDIA READ, |) | |
| Controller, |) | |

Defendants.

MEMORANDUM ORDER

The above captioned case was initiated on October 5, 2006 by the filing of a Civil Rights Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on August 21, 2008 (doc. no 61), recommended that the Motion for Summary Judgment filed by Defendants R. Read, Shaw, McClusick, Hawkins, C. Read, Lombardo, McCloskey, Wormuth, Ammerman,

McCracken, and Lytle (doc. no. 52) be granted as to all claims **EXCEPT** as to Plaintiff's claims regarding the deduction of medical fees from his inmate account. It further recommended that, because Defendants Wormuth and McCloskey were not involved the decision to impose Plaintiff's medical costs, Defendants Wormuth and McCloskey should be dismissed. Objections to the Report and Recommendation were due by September 8, 2008. No Objections have been filed. After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:


AND NOW, this 12th day of September, 2008;

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Defendants R. Read, Shaw, McClusick, Hawkins, C. Read, Lombardo, McCloskey, Wormuth, Ammerman, McCracken, and Lytle (doc. no. 52) is **GRANTED EXCEPT** as to Plaintiff's claims regarding the deduction of medical fees from his inmate account.

IT IS FURTHER ORDERED that, because Defendants Wormuth and McCloskey were not involved in the decision to impose Plaintiff's medical costs, Defendants Wormuth and McCloskey are hereby **DISMISSED** from this action.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 61) of Magistrate Judge Lenihan, dated August 21, 2008, is adopted as the Opinion of the Court.

By the Court:



Kim R. Gibson
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Lamont J. Marshall, GV-9769
SCI Graterford
P.O. Box 244
Graterford, PA 19426